

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after **October 16, 2008**, at the offices of the Fair Political Practices Commission, 428 J Street, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **October 14, 2008**.

BACKGROUND/OVERVIEW:

Under the Political Reform Act (Government Code Sections 81000-91014; all statutory references are to the Government Code), persons receiving contributions totaling \$1,000 or more in a calendar year, thus qualifying as a recipient committee, are required to file a statement of organization within 10 days after qualifying. (Section 84101; also see Section 82013(a).) Additionally, a committee which qualifies as a recipient committee prior to an election but after the last campaign statement required to be filed before the election may have to file a statement providing the information required in a statement of organization within 24 hours under Section 84101(b) or (c).

Section 84102 outlines the requirements for a statement of organization or a 24-hour statement required by Section 84101(b) or (c). In pertinent part, Section 84102(c) requires “the full name, street address, and telephone number, if any, of the treasurer and principal officers” of the committee. Despite the requirements of Section 84102(c), most committees do not provide information regarding the principal officers of the committee when submitting a statement of organization or a 24-hour statement required by Section 84101(b) or (c). Contributing to the problem, the Act and current regulations do not define the term “principal officer” and do not clearly specify when a principal officer must be identified.

REGULATORY ACTION:

Adopt 2 Cal. Code Regs. Section 18402.1 and Amend Cal. Code Regs. Section 18427:

Proposed Regulation 18402.1 requires committees, other than candidate controlled committees, to disclose the name of their principal officer when submitting a statement of organization as required by Section 84101(a) or a 24-hour statement required by Section 84101(b) or (c).

Specific proposals the Commission may consider include, but are not limited to the following:

- Defining the term “principal officer.”

- Determining the appropriate disclosure for committees with multiple principal officers.
- Determining the appropriate disclosure for sponsored committees.

The Commission will also consider an amendment to Regulation 18427. Currently, Regulation 18427(d) states that the person who is primarily responsible for initiating and implementing the political activity of a committee will be considered the treasurer and subject to the duties of the treasurer if the committee fails to designate a treasurer as required by Section 84100. The Commission will consider defining the person considered the treasurer of a committee, in the event the committee fails to designate a treasurer, as the same individual qualifying as the principal officer of the committee under proposed Regulation 18402.1.

SCOPE:

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY:

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE:

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 84101, 84102, 84103, and 84108.

CONTACT:

Any inquiries should be made to Brian G. Lau, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?ID=247#2>.